

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: DAVID JOHN KUDER, Debtor, DENOVUS CORPORATION, LTD, as assignee of MILE ROCK HOLDINGS, LLC/ MBNA/ TRUELOGIC FINANCIAL CORPORATION, Movant/Claimant, v. DAVID JOHN KUDER and RONDA J. WINNECOUR, Ch. 13 Trustee Respondents	Bankruptcy No. 06-21519-TPA Chapter 13 Related to Doc. No. 67
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MOTION TO REOPEN BANKRUPTCY PURSUANT TO 11 U.S.C. § 350(b) and
MOTION FOR ORDER DIRECTING PAYMENT OF FUNDS TO CLAIMANT
PURSUANT TO 11 U.S.C. § 347 and 28 U.S.C. § 2041, et seq.

AND NOW, comes Claimant, Denovus Corporation, Ltd., as assignee of Mile Rock Holdings, LLC/ MBNA/Truelogic Financial Corporation (the “Claimant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion to Reopen Bankruptcy Pursuant to 11 U.S.C. § 350(b) and Motion for Order Directing Payment of Funds to Claimant Pursuant to 11 U.S.C. § 347 and 28 U.S.C. § 2041, et seq. (the “Motion”), representing as follows:

The Parties

1. Denovus Corporation, Ltd. (“Denovus”) is a corporation with offices in Washington, PA. True and correct copies of the Vendor Information/Certification form and W-9 form for Denovus are attached hereto as Exhibit A.

2. Respondent, David John Kuder (the “Debtor”), filed for bankruptcy protection pursuant to Chapter 13 of the Bankruptcy Code on April 7, 2006.

3. Ronda J. Winnecour is the duly appointed Chapter 13 Trustee (“Trustee”) and is currently acting in such capacity.

Jurisdiction and Venue

4. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. §§ 347 and 350 and 28 U.S.C. § 2041, et seq.

Factual Background

5. On or about July 6, 2006, Claimant filed a Proof of Claim in the present bankruptcy in the amount of \$6,336.92. A true and correct copy of the Proof of Claim is attached hereto as Exhibit B.

6. At the time the Proof of Claim was filed, Mile Rock Holdings, LLC was the owner of the claim. Truelogic Financial Corporation of Englewood, Colorado, was given permission to file the Proof of Claim on behalf of Mile Rock Holdings, LLC by William H. Owens, the Director of Mile Rock Master Fund I, Ltd. as shown on the Authorization to Sign Proof of Claim that is part of the Proof of Claim.

7. On or about July 28, 2006, Mile Rock Master Fund I, Ltd./Mile Rock Holdings, LLC sold and assigned its accounts, including the David John Kuder account, to Pallino

Receivables III, LLC (“Pallino”). A true copy of the Bill of Sale and Assignment of Accounts to Pallino is attached hereto as Exhibit C.

8. On or about April 2, 2008, Pallino conveyed its rights, title and interest in its charged-off receivables accounts, including the David John Kuder account, to Valorem, LLC. A true and correct copy of the Secured Party General Conveyance and Bill of Sale to Valorem, LLC is attached hereto as Exhibit D.

9. On or about December 29, 2009, Valorem, LLC sold the Pallino accounts to Denovus pursuant to a General Conveyance and Bill of Sale. A true and correct copy of the General Conveyance and Bill of Sale to Denovus is attached hereto as Exhibit E.

10. Attached as Exhibit F is an Affidavit of Creditor Regarding Ownership of Account(s) signed by Edward L. Torchia, Executive Vice President of Denovus that certifies to Denovus’ ownership of the David John Kuder account at issue.

11. On December 21, 2009, the Trustee filed a Receipt of Funds Received for Deposit into Registry Account stating that the Trustee had deposited receipt no. 10275 in the amount of \$4,469.36 with the Clerk, U.S. Bankruptcy Court (the “Clerk”). The Trustee stated that the check represented unclaimed funds owed to TrueLogic Financial Corp. As shown above, Claimant is the owner of those funds. A true and correct copy of the Report is attached hereto as Exhibit G.

12. Claimant was placed on global reserve by the Trustee and did not receive the \$4,469.36 referenced in the Report as being monies to be distributed to Claimant.

13. Pursuant to 11 U.S.C. § 350(b), Claimant requests that this Honorable Court reopen the present bankruptcy so that the Court may rule upon this Motion. Section 350(b)

states that “[a] case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.”

14. Pursuant to 11 U.S.C. § 347 and 28 U.S.C. § 2041, Claimant requests that this Honorable Court issue an order directing payment by the Clerk to the Claimant in the amount of \$4,469.36 and further directing that payment be made in care of J. Armstrong Duffield, who has been granted Limited Power of Attorney by Claimant for the purposes of this Motion. A true and correct copy of the Limited Power of Attorney is attached hereto as Exhibit H.

WHEREFORE, Claimant, Denovus Corporation, Ltd., as assignee of Mile Rock Holdings, LLC/ MBNA/Truelogic Financial Corporation, respectfully requests that this Honorable Court reopen the present bankruptcy and grant the Claimant’s Motion for Order Directing Payment of Funds to Claimant.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Peter J Ashcroft
Peter J Ashcroft, Esq.
PA I.D. # 87317
pashcroft@bernsteinlaw.com
707 Grant Street, Suite 2200, Gulf Tower
Pittsburgh, PA 15219
(412) 456-8107
Fax: (412) 456-8255

Counsel for Denovus Corporation, Ltd., as
assignee of Mile Rock Holdings, LLC/
MBNA/Truelogic Financial Corporation

Dated: January 17, 2013